

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

STATE OF OKLAHOMA, ex rel. W.A.)
DREW EDMONDSON, in his capacity as)
ATTORNEY GENERAL OF THE STATE)
OF OKLAHOMA AND OKLAHOMA)
SECRETARY OF THE ENVIRONMENT)
C. MILES TOLBERT, in his capacity as the)
TRUSTEE FOR THE NATURAL)
RESOURCES FOR THE STATE OF)
OKLAHOMA,)

Plaintiff,

v.

Case No. 05-CV-00329 GKF-SAJ

TYSON FOODS, INC., TYSON)
POULTRY, INC., TYSON CHICKEN,)
INC., COBB-VANTRESS, INC., CAL-)
MAIN FOODS, INC., CAL-MAINE)
FARMS, INC., CARGILL, INC.,)
CARGILL TURKEY PRODUCTION, LLC,)
GEORGE'S, INC., GEORGE'S FARMS,)
INC., PETERSON FARMS, INC.,)
SIMMONS FOODS, INC., and WILLOW)
BROOK FOODS, INC.,)

Defendant.

AFFIDAVIT OF ERNEST DOYLE

STATE OF OKLAHOMA)
) SS.
COUNTY OF CHEROKEE)

Ernest Doyle, of lawful age, being first duly sworn, deposes and states as follows:

1. My name is Ernest Doyle. I raise turkeys for Cargill on 160 Acres near Westville. I also raise hay. My address is in Stilwell, Oklahoma.
2. I make this affidavit in support of the amicus brief to be filed by Oklahoma Farm Bureau opposing the Attorney General's request for

an injunction. Everything in this affidavit is true and correct to the best of my information and belief.

3. I live in Adair County. I am 52 years old this month, and I have been a farmer all my life. I have raised poultry since 1979 when I began with four poultry houses.
4. I am a member of the Oklahoma Farm Bureau.
5. I raise 20,900 poults at a time. I raise the turkeys in houses I put a layer of wood shavings, rice hulls or peanut hulls on the floor of the houses. The birds live on this bedding. Their excrement gets mixed with the bedding, and this mixture is what is known as poultry litter.
6. I clean out my own poultry houses and I sell the litter. It sells for approximately \$9 to \$10 per ton. I sell the litter to farmers or to Certified Poultry Waste Applicators who haul and spread the litter. They all have the proper certifications.
7. I cannot use my litter on my own property based on my Nutrient Management Plan, so I have to purchase commercial fertilizer. Last summer I sold my litter for about \$4,000, and I purchased commercial fertilizer at about \$1,300 for one buggy, at 3½ tons per buggy. I purchased three buggy loads, so I came out about even. I like to cut hay every three to four weeks, so I need to fertilize three times in a season. So, selling my litter only raised enough money to purchase ammonium nitrate to fertilize one time last year.
8. I consider litter a very valuable commodity. Application of litter will build up a rock pile farm to where it will grow pasture and hay. I can see the difference between fields where my litter has been applied to my neighbor's fields and those fields fertilized with commercial fertilizer on my land. The grass just grows better, thicker and faster where litter has been applied.
9. When you move from litter to commercial fertilizer the grass starts deteriorating and the roots and ecosystem go downhill. The nutrients in litter stay in place because of the bedding material. If you put down commercial fertilizer, you need a good stand of grass to keep the commercial fertilizer in place. The stability of the soil will wither away if only commercial fertilizer is used. With commercial fertilizer the soil is not sustained, and it tightens. That leads to erosion and

consequently more pollution. When you fertilize where land can't take it because of lack of organic matter, it's like an infertile womb.

10. I and my family have used spring fed water for drinking for years. No one has gotten sick from drinking the water or from being around and working with poultry litter.
11. Over the years regulation of farming has increased. I comply with all regulations. There is less and less incentive to be a farmer what with difficulty finding people to employ, increased numbers of regulations and ever increasing fuel prices. It is really a mental strain to now have the Attorney General breathing down the neck of farmers like me.
12. I believe I am the youngest grower for Cargill. Young people are not coming into farming. My daughter was killed and my son does not want to be in this business. There is no incentive
13. When I started in this business, I started with debt that would equal \$650,000 by today's standards. I have five more years until my business is paid for, and my hope is to be able to survive for that period of time and maybe work a while longer to save a little before I retire.
14. The Attorney General's injunction against land application of poultry litter in the Illinois River Watershed would be the last straw to putting me out of business. If we have to have the litter hauled out of the watershed, the distance it has to go before it can be applied would render it cost-prohibitive to use. If it is designated a solid waste and I had to pay to put it somewhere like a landfill, it would be even more costly and I could not afford to stay in business.

Dated this ____ day of February, 2008.

Ernest Doyle
Ernest Doyle

Subscribed and sworn to before me this 2 day of February, 2008.

Dainan Johnson
Notary Public 02001569

My Commission Expires:

2-17-10

[SEAL]